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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,318	02/12/2004	Jurgen Michael Knapp	A-8909	4090

7590 05/23/2005

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EXAMINER

LAZO, THOMAS E

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,318

Applicant(s)

KNAPP ET AL.

Examiner

Thomas E. Lazo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1, 14-18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 2, 5-13 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 5, 7, 8, and 10 are objected to because of the following informalities:

Claims 5, 7, 8, and 10 should depend from either claim 2 or 3 since they contain a limitation which refers to the compensating and pressure element that is first mentioned in claims 2 or 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 14-18, 20, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ibatici (2003/0131893). Ibatici discloses a hydraulic module with a hydraulic pump housing 10, an electric motor 3 fastened to a first housing side to drive the pump 2, a tank 4 located on a second housing side opposite the first side for hydraulic fluid, flow channels in the housing produced by bore holes for the hydraulic fluid to supply this fluid from the tank 4 to a pump chamber and transmit the hydraulic fluid conveyed by the pump 2 to a pressure connection 16 located on the housing 10 connected to an actuating element 7 and returning the hydraulic fluid

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from the pressure connection 16 into the tank 4, wherein in the flow channel for returning the hydraulic fluid into the tank 4 there is an electrically controllable valve V3, which is a pressure regulating shut-off valve V3, a second non-return valve V1 is between the flow channel between the pump 2 and the pressure connection 16, which opens in the direction of flow from the pump 2 to the pressure connection 16 and closes in the opposite direction, the connection of the flow channel for the return flow is located before the second non-return valve starting from the pressure connection, in an interior space of the housing 10, a shaft 2a coupled with the electric motor 3 for driving the pump 2 is mounted on bearings the interior space and is connected with the interior of the tank 4, the interior space is directly connected with the interior of the tank 4, the housing 10 is formed from a metal rectangular block, the tank 4 is flanged onto the housing 10, and the tank 4 is connected via a hydraulic connection with the interior space in the housing 10.

Allowable Subject Matter

Claims 2, 5-13, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-4 are allowed.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consists of five patents.

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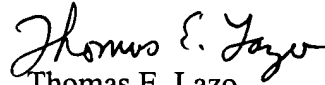
Klahm (6,786,709), Hirano (6,592,336), Fletcher (6,568,919), Banba (5,104,294), and Schweitzer (3,742,713) are cited to show hydraulic modules.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.


Thomas E. Lazo
Primary Examiner
Art Unit 3745

TEL
May 19, 2005